

Application No.: 10/707,182

Docket No.: 60680-1722

**REMARKS**

The Office Action dated January 12, 2005 has been carefully reviewed and this response is submitted in consequence thereof. No claims have been amended, added, canceled, or withdrawn. Claims 1-8 remain pending. Applicants request reconsideration of the pending claims for allowance in view of the following remarks and arguments.

**Claim rejections based on 35 U.S.C. §102 (b) in reliance upon Sakurai et al.**

Claims 1-8 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,790,287 to Sakurai et al. Applicants respectfully traverse the rejections. Applicants respectfully submit that a finding of anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.

Claim 1 recites, among other limitations, "a basket sealingly mounted to a valve cover of an engine...." Sakurai et al. does not disclose or teach a basket sealingly mounted to a valve cover of an engine.

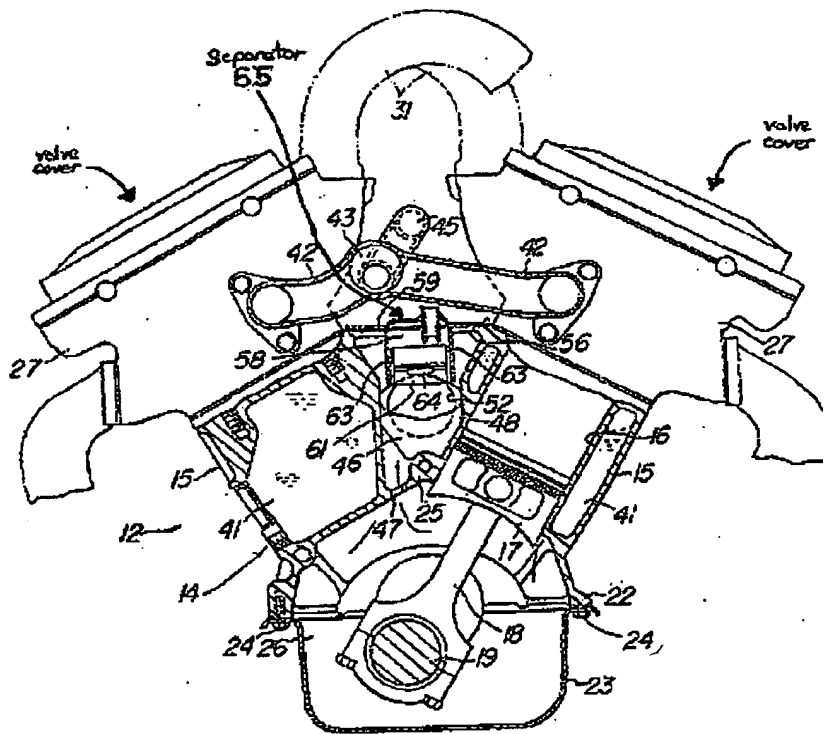
Rather, Sakurai et al. discloses a separator (55) that is contained within a crankcase chamber of a cylinder block. The examiner asserts that the separator (55) of Sakurai et al. is for an internal combustion engine "with a basket (57) sealingly mounted to a valve cover (53) of an engine." Contrary to the examiner's assertion, Sakurai et al. discloses that "a separator...is contained within the upper crankcase chamber so that the lubricant may be returned to the crankcase from the separator." (Col. 1, lines 49-53) Applicants submit that, as recognized by one of ordinary skill in the art, the crankcase chamber of an engine is located within the cylinder block of the engine. Accordingly, Sakurai et al. discloses the separator (55) being mounted to the top wall (53) of cylinder block (14). Specifically, Sakurai et al. further discloses that the engine (12) includes a cylinder block (14) that has a lower wall (25). Wall (25) is provided with a plurality of upstanding ribs (48) that are located within a valley (46). (Col. 2, lines 15-17 and 28-29; Col. 3, lines 25-28) Sakurai et al. further discloses that the "upper end of the valley chamber (46) is closed by a top wall (53) of the cylinder block (14)." (Col. 3, lines 33-34) Thus, contrary to the examiner's assertion, the so-called "valve cover (53)" in Sakurai et al., is not a valve cover as would be recognized by one of ordinary skill in the art. Rather, as discussed

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above, the so-called "valve cover (53)" is actually the top wall of the cylinder block (14). Thus, there is no teaching by Sakurai et al. of an oil separator with a basket sealingly mounted to a valve cover of an engine, as recited by claim 1.

Moreover, as illustrated by Sakurai et al. in its FIG. 2 below, the valve cover of Sakurai et al. that is mounted on top of cylinder heads (27) is devoid of the separator (55). Applicants respectfully submit that as discussed above and as illustrated by FIG. 2, the separator (55) is mounted to the cylinder block (14) within valley (46).

Fig-2

Thus, there is no disclosure, suggestion or teaching by Sakurai et al. of a basket sealingly mounted to a valve cover of an engine. Accordingly, Applicants respectfully submit that the cited art does not anticipate claim 1 because each element of the claim is not disclosed by the cited art. Consequently, Applicants submit that claim 1 is patentable over the cited

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reference and Applicants request withdrawal of the rejection. Claims 2-4 depend from claim 1 and are likewise patentable over the cited art for at least the above reasons.

Additionally, claim 2 is patentably distinguished from the cited art on an independent basis. In particular, claim 2 recites "the oil separator according to claim 1, wherein the basket forms a seal with the valve cover." Applicant submits, as discussed above, that Sakurai et al. discloses a separator (55) that is contained within a crankcase chamber of the cylinder block (14). As recognized by one of ordinary skill in the art, the cylinder block of an engine is not the valve cover of an engine. Thus, there is no disclosure or teaching by Sakurai et al. of the basket forming a seal with the valve cover of the engine. Accordingly, claim 2 is patentably distinguished from the cited art for at least these additional reasons.

Claim 5 also includes, among other limitations, "a basket sealingly mounted to a valve cover of an engine...." For at least the above reasons that claim 1 is patentable over the cited art, claim 5 is also patentable over the cited art. Claims 6-8 depend from claim 5. For at least the same reasons that claim 5 is patentable over the cited art, claims 6-8 are also patentable over the cited art. Accordingly, Applicants respectfully request withdrawal of the rejections.

### CONCLUSION

In view of the above remarks and arguments, Applicants believe the pending application is in condition for allowance. Favorable reconsideration and early allowance are earnestly solicited.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 60680-1722 from which the undersigned is authorized to draw.

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Respectfully submitted,

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